

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

Sonya Sue Wood,

Case No. 3:17-cv-2620

Plaintiff

v.

MEMORANDUM OPINION

Commissioner of Social Security,

Defendant

Before me is the Report and Recommendation of Magistrate Judge Jonathan D. Greenberg filed on November 9, 2018, in the above-entitled action. (Doc. No. 15). Under the relevant statute:

Within [fourteen (14)] days after being served a copy of these proposed Findings and Recommendation, any party who wishes to object must file and serve written objections or further appeal is waived.

United States v. Campbell, 261 F.3d 628, 631-32 (6th Cir. 2001) (citation omitted); *see also* 28 U.S.C. § 636(b)(1) (effective Dec. 1, 2009); Fed. R. Civ. P. 72(b)(2). In this case, the fourteen-day period has elapsed, and the Commissioner indicates she will not be filing objections. (Doc. No. 16).

Following review of Judge Greenberg's Report and Recommendation, I adopt it in its entirety as the Order of the Court. I agree that the Administrative Law Judge failed to apply the proper legal standards when analyzing Plaintiff's fibromyalgia, which was not a harmless error. Relatedly, I agree that, in failing to recognize Plaintiff's fibromyalgia, the ALJ failed to properly apply the treating physician rule. For these reasons, the Commissioner's decision is vacated, and the matter is remanded for further proceedings consistent with Judge Greenberg's R & R.

So Ordered.

s/ Jeffrey J. Helmick
United States District Judge